UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/020,102	12/13/2001	Shmuel Shaffer	062891.0655	5797

7590 06/18/2007

Baker Botts L.L.P.
Suite 600
2001 Ross Avenue
Dallas, TX 75201-2980

EXAMINER
ARMSTRONG, ANGELA A

ART UNIT	PAPER NUMBER
2626	

MAIL DATE	DELIVERY MODE
06/18/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)	
Office Action Summary	10/020,102	SHAFFER ET AL.	
	Examiner	**Art Unit**	
	Angela A. Armstrong	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 March 2007*.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,5-8,10-30,32,33 and 35-37* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,5-8,10-30,32,33 and 35-37* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1.   Claims 1-6, 10-16, and 35-36 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Mitchell (US Patent No. 5,799,273) in view of Ball et al (US Patent No. 6,240,391).

2.   Regarding claims 1 and 35, Mitchell discloses a system for relating words in an audio file

to words in a text file, comprising: retrieving a text file comprising a plurality of textual words

(col. 6, lines 20-29); generating an audio file comprising a plurality of audible words based on

the text file (col. 6, lines 9-19); storing information relating each audible word to a

corresponding textual word (col. 6, lines 48-65); and an electronic marker that indicates the

position of the audible word within the text file (abstract; col. 9, lines 13-25 in which Mitchell

discloses the user can delete and/or insert text and the recognition interface updates the links

between the recognized word and the associated audio components such that link data is

amended to indicate the correct character position of the word in the text).

Mitchell does not disclose that the electronic marker is within the audio file, however

storing markers that link portions of audio and portions of text with the audio file was well

known in the art and it would have been obvious to one of ordinary skill at the time of the

invention to provide for the electronic marker embedded in the audio file that indicates the

position of the audible word within the text file so as to aid the user in reviewing the text as the audio is output.

Mitchell does not teach the audio file is generated by converting the textual words to a plurality of audible words, or that the audio file is transmitted or available to a user of a telecommunications device. Ball (col. 4, line 66 to col. 5, line 3; col. 6, lines 23-47; col. 6, lines 51- col. 7, line 6) discloses a system and method for assembling and presenting structured voice mail messages, which implements a telephone/IP server for providing the functions of audio play and record, text-to-speech synthesis, dual-tone multi-frequency (DTMF) (touch-tone) recognition, automatic speech recognition (ASR) processing, and other call control functions necessary for interactive audio services, and specifically teaches the textual messaging elements of the structured voice mail message are converted to a speech signal by a text-to-speech processor, and combined with each other and audio fragments, converted from their data files.

It would have been obvious to one of ordinary skill at the time of the invention to modify the system Mitchell to provide the linked audio and text data for transmission to a user of a telecommunications device, so as to generate structured voice mail messages so as to provide the voice mail recipient the ability to access any audio, text, video or multi-media type message.

Regarding claim 2, Mitchell discloses the textual words comprise ASCII text (col. 5, lines 59-67).

Regarding claim 3, Mitchell discloses the audio file is stored in the form of a WAV file (col. 6, lines 9-29; col. 13, lines 26-30).

Regarding claim 4, Mitchell discloses the information comprises voice tags embedded in the audio file (col. 7, lines 1-30).

Regarding claim 5, Mitchell discloses the information comprises a file map relating a location of each textual word within the text file to a location of the corresponding audible word in the audio file (col. 6, line 48 to col. 8, line 3).

Regarding claims 6 and 36, Mitchell discloses the method steps are performed by login embodied in a computer readable medium (col. 4, line 66 to col. 5, line 36).

Regarding claim 15, Mitchell discloses a system for relating words in an audio file to words a text file, comprising: retrieving a text file comprising a textual word (col. 6, lines 20-29); generating an audible word corresponding the textual word (col. 6, lines 9-19); storing the audible word in an audio (col. 6, lines 9-29; col. 13, lines 26-30); storing a file map, the file map comprising: a first location locating audible word within the audio file (Figures 3-4; col. 6, line 48 to col. 7, line 30); and a second location locating the textual word within the text file (Figures 3-4; col. 6, line 48 to col. 7, line 30).

Mitchell does not teach the audio file is generated by converting the textual words to a plurality of audible words, or that the audio file is transmitted or available to a user of a telecommunications device. Ball (col. 4, line 66 to col. 5, line 3; col. 6, lines 23-47; col. 6, lines 51- col. 7, line 6) discloses a system and method for assembling and presenting structured voice mail messages, which implements a telephone/IP server for providing the functions of audio play and record, text-to-speech synthesis, dual-tone multi-frequency (DTMF) (touch-tone) recognition, automatic speech recognition (ASR) processing, and other call control functions necessary for interactive audio services, and specifically teaches the textual messaging elements of the structured voice mail message are converted to a speech signal by a text-to-speech processor, and combined with each other and audio fragments, converted from their data files.

It would have been obvious to one of ordinary skill at the time of the invention to modify the system Mitchell to provide the linked audio and text data for transmission to a user of a telecommunications device, so as to generate structured voice mail messages so as to provide the voice mail recipient the ability to access any audio, text, video or multi-media type message.

Regarding claim 16, Mitchell discloses repeating the steps the method plurality of textual words in the text file (col. 5, line 59 to col. 8, line 3; Figures 3-4).

Regarding claim 10, Mitchell discloses a system for relating words in an audio file to words in a text file, comprising: retrieving a text file comprising a plurality of textual words (col. 6, lines 20-29); generating an audible word corresponding to each textual word (col. 6, lines 9-29); and playing the audible words to a user in real time as the audible words are generated (col. 8, line 52 to 10, line 2); and during the playing of the audible words, determining a current textual word corresponding audible word currently being played (col. 8, line 52 to col. 10, line 2).

Mitchell does not teach the audio file is generated by converting the textual words to a plurality of audible words with each audible word comprising media stream packets, or that the audio file is transmitted or available to a user of a telecommunications device. Ball (col. 4, line 66 to col. 5, line 3; col. 6, lines 23-47; col. 6, lines 51- col. 7, line 6) discloses a system and method for assembling and presenting structured voice mail messages, which implements a telephone/IP server (and thus providing for the transmission of data that comprises media stream packets) for providing the functions of audio play and record, text-to-speech synthesis, dual-tone multi-frequency (DTMF) (touch-tone) recognition, automatic speech recognition (ASR) processing, and other call control functions necessary for interactive audio services, and

specifically teaches the textual messaging elements of the structured voice mail message are converted to a speech signal by a text-to-speech processor, and combined with each other and audio fragments, converted from their data files.

It would have been obvious to one of ordinary skill at the time of the invention to modify the system Mitchell to provide the linked audio media stream packets and text data for transmission to a user of a telecommunications device, so as to generate structured voice mail messages so as to provide the voice mail recipient the ability to access any audio, text, video or multi-media type message that has been stored.

Regarding claim 11, Mitchell discloses the textual words comprise ASCII text (col. 5, lines 59-67).

Regarding claim 12, Mitchell discloses initializing a counter identifying textual words within the text file (col. 6, line 48 to col. 7, line 30); and incrementing the counter after each audible word is played (col. 6, line 48 to col. 7, line 30); wherein the step of determining comprises identifying the current textual word using the counter (col. 6, line 48 to col. 7, line 30).

Regarding claim 13, Mitchell discloses storing information about the audible word, the information comprising: an identifier for the textual word corresponding the audible word (col. 6, line 48 to col. 8, line 3); and a time at which the audible word was played (col. 6, line 48 to col. 8, line 3; Figures 3-4).

Regarding claim 14, Mitchell discloses the method steps are performed by login embodied in a computer readable medium (col. 4, line 66 to col. 5, line 36).

5.   Claims 7-8, 17, 30, and 32-33, are rejected under 35 U.S.C. 103(a) as being unpatentable

over Mitchell and Ball in view of Dionne (US Patent No. 6,068,487) and further in view of

Frulla et al (US Patent No. 6,424,357).

6.   Regarding claims 7, 17, 30 and 32, Mitchell discloses a system for relating words in an

audio file to words a text file, comprising: retrieving a text file comprising a textual word (col. 6,

lines 20-29); generating an audible word corresponding the textual word (col. 6, lines 9-19);

storing the audible word in an audio (col. 6, lines 9-29; col. 13, lines 26-30); storing a file map,

the file map comprising: a first location locating audible word within the audio file (Figures 3-4;

col. 6, line 48 to col. 7, line 30); and a second location locating the textual word within the text

file (Figures 3-4; col. 6, line 48 to col. 7, line 30).

        Mitchell does not teach the audio file is generated by converting the textual words to a

plurality of audible words, or that the audio file is transmitted or available to a user of a

telecommunications device. Ball (col. 4, line 66 to col. 5, line 3; col. 6, lines 23-47; col. 6, lines

51- col. 7, line 6) discloses a system and method for assembling and presenting structured voice

mail messages, which implements a telephone/IP server for providing the functions of audio

play and record, text-to-speech synthesis, dual-tone multi-frequency (DTMF) (touch-tone)

recognition, automatic speech recognition (ASR) processing, and other call control functions

necessary for interactive audio services, and specifically teaches the textual messaging elements

of the structured voice mail message are converted to a speech signal by a text-to-speech

processor, and combined with each other and audio fragments, converted from their data files.

It would have been obvious to one of ordinary skill at the time of the invention to modify the

system Mitchell to provide the linked audio and text data for transmission to a user of a

telecommunications device, so as to generate structured voice mail messages so as to provide the

voice mail recipient the ability to access any audio, text, video or multi-media type message.

Mitchell does not teach that the system identifies an audible word to be spelled in

response to the command to spell; identifies a textual word in a text file corresponding to the

audible word to be spelled; and audibly spell the textual word. Dionne teaches a method for

having a reading machine spell a word, which includes retrieving a word to be spelled,

displaying letters of the word, spelling the word and provide an text-to-speech output of the word

(col. 3, lines 8-34). Dionne teaches that the system is useful in assisting individuals with

learning disabilities or severe visual impairments.

It would have been obvious to one of ordinary skill at the time of the invention to modify

the system of Mitchell to provide the spelling of words in the text, to aid in the editing of

recognized text and in the correcting of recognition errors, for the purpose of assisting

individuals with visual impairments with editing of text.

Mitchell and Dionne do not teach the command input to the system is via a voice

command. However, implementation of voice commands to allow for system functionality and

control similar to that of hand-controlled input devices was well known in the art.

Frulla discloses a voice input system has a microphone coupled to a computing device,

with the computing device typically operating a computer software application. A user speaks

voice commands into the microphone, with the computing device operating a voice command

module that interprets the voice command and causes the graphical or non-graphical application

to be commanded and controlled consistent with the use of a physical mouse (Figures 2-3; col.

4, lines 57-64), and specifically teaches the system is advantageous in environments in which it

is inconvenient or impractical to use a mouse, and thereby making the user interface more

convenient and efficient for a user to input information and commands.

It would have been obvious to one of ordinary skill at the time of the invention to modify

the system of Mitchell to provide the spelling of words in the text, to aid in the editing of

recognized text and in the correcting of recognition errors and to further provide voice command

control, as suggested by Frulla, for the purpose of making the user interface more convenient and

efficient for a user to input information and commands in situations in which using a physical

mouse is impractical or cumbersome.

Regarding claims 8 and 33, Mitchell discloses repeating the steps the method plurality of

textual words in the text file (col. 5, line 59 to col. 8, line 3; Figures 3-4).

7.   Claims 18-29 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Mitchell in view of Dionne (US Patent No. 6,068,487) and further in view of Frulla et al (US

Patent No. 6,424,357).

8.   Regarding claims 18-29, and 37, Mitchell discloses a system which provides a user

interface for relating words in an audio file to words a text file, comprising: retrieving a text file

comprising a textual word (col. 6, lines 20-29); generating an audible word corresponding the

textual word (col. 6, lines 9-19); storing the audible word in an audio (col. 6, lines 9-29; col. 13,

lines 26-30); storing a file map, the file map comprising: a first location locating audible word

within the audio file (Figures 3-4; col. 6, line 48 to col. 7, line 30); and a second location locating

the textual word within the text file (Figures 3-4; col. 6, line 48 to col. 7, line 30).

Mitchell does not teach that the system identifies an audible word to be spelled in

response to the command to spell; identifies a textual word in a text file corresponding to the

audible word to be spelled; and audibly spell the textual word. Dionne teaches a method for

having a reading machine spell a word, which includes retrieving a word to be spelled,

displaying letters of the word, spelling the word and provide an text-to-speech output of the word

(col. 3, lines 8-34). Dionne teaches that the system is useful in assisting individuals with

learning disabilities or severe visual impairments.

It would have been obvious to one of ordinary skill at the time of the invention to modify

the system of Mitchell to provide the spelling of words in the text, to aid in the editing of

recognized text and in the correcting of recognition errors, for the purpose of assisting

individuals with visual impairments with editing of text.

Mitchell and Dionne do not teach the command input to the system is via a voice

command. However, implementation of voice commands to allow for system functionality and

control similar to that of hand-controlled input devices was well known in the art.

Frulla discloses a voice input system has a microphone coupled to a computing device,

with the computing device typically operating a computer software application. A user speaks

voice commands into the microphone, with the computing device operating a voice command

module that interprets the voice command and causes the graphical or non-graphical application

to be commanded and controlled consistent with the use of a physical mouse (Figures 2-3; col.

4, lines 57-64), and specifically teaches the system is advantageous in environments in which it

is inconvenient or impractical to use a mouse, and thereby making the user interface more

convenient and efficient for a user to input information and commands.

It would have been obvious to one of ordinary skill at the time of the invention to modify

the system of Mitchell to provide the spelling of words in the text, to aid in the editing of

recognized text and in the correcting of recognition errors and to further provide voice command

control, as suggested by Frulla, for the purpose of making the user interface more convenient and

efficient for a user to input information and commands in situations in which using a physical

mouse is impractical or cumbersome.

Response to Arguments

9.   Applicant's arguments with respect to claims 10-17 have been considered but are moot in

view of the new ground(s) of rejection.

Applicant's arguments with respect to claims 7-8, 17-33, and 37 have been fully

considered but they are not persuasive.   Applicant argues Mitchell and Dionne do not disclose

input of voice commands. Applicant also argues Frulla is limited to implementing simple

computer mouse functions using voice commands and that therefore the cited references do not

teach or suggest receiving a voice command from a user to spell an audible word. In response to

applicant's arguments against the references individually, one cannot show nonobviousness by

attacking references individually where the rejections are based on combinations of references.

See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091,
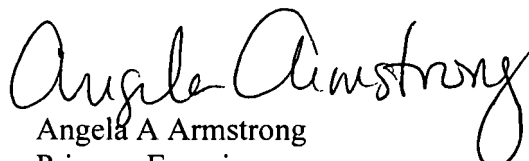
231 USPQ 375 (Fed. Cir. 1986).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Kurzweil (US Patent No. 6,199,042) teaches linking the audio portions with the corresponding text portions of a document (col. 5, lines 11-26).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angela A. Armstrong whose telephone number is 571-272-7598. The examiner can normally be reached on Monday-Thursday 11:30-8:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached on 571-272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Angela A Armstrong
Primary Examiner
Art Unit 2626

AAA
May 29, 2007